

ATTACHMENT TO PTOL-90

In response to the BPAI's Order dated 01/07/2009, the following actions have been taken:

- 1) A full English translation of Tsanev (*Vutr. Boles* 23: 12-17, 1994) obtained by the Office has been scanned into the IFW file.
- 2) A copy of the English translation of Tsanev (*Vutr. Boles* 23: 12-17, 1994) is hereby provided to Applicants as an attachment to the instant communication.
- 3) The clarification of the status of claims 3 and 17 in the 35 U.S.C § 112, first paragraph (scope of enablement) rejection was already provided at paragraph (6) (i) of the Examiner's Answer mailed 10/29/2008 and is reiterated herein below by citing the relevant parts therefrom.

“(8) Grounds of Rejection to be Reviewed on Appeal

Withdrawn Rejection(s)

(i) The following ground of rejection is not presented for review on appeal because the rejection has been withdrawn upon further consideration and/or based on Appellants' arguments presented in the appeal brief.

The rejection of claims 3 and 17 made in paragraph 29 of the Office Action mailed 02/11/08 and maintained in paragraph 14 of the Office Action mailed 04/30/08 under 35 U.S.C § 112, first paragraph, as being non-enabled with regard to the full scope, is withdrawn.”

As per the decision made during the Appeal Conference, claims 3 and 17 were removed from the 35 U.S.C § 112, first paragraph rejection. However, the ground of rejection for the rest of the rejected claims remains the same.

/S. Devi/
Primary Examiner
AU 1645

January 2009